

REMARKS

The Final Office Action mailed May 17, 2005, has been received and its contents carefully noted. Applicant notes that the previous rejection of record has been withdrawn and that the Examiner no longer applies Puram et al. (US 6,289,340 B1) as a secondary reference against the claims.

Accompanying this Response After Final Rejection is a Declaration Under 37 C.F.R. 1.131 to eliminate Franco, US-2004/0044585 A, as a reference. Applicant requests entry of this Response After Final Rejection and Declaration Under 37 C.F.R. 1.131 on the grounds that Franco, US-2004/0044585 A, was made of record in the prosecution of the present Application only the Final Office Action dated May 17, 2005 so that Applicant could not have previously addressed the issues raised by this newly-cited and newly-applied secondary reference.

Claims 100-139, and 176 are active in this Application as being directed to an embodiment which was elected in responding to a restriction requirement and are all submitted to be in allowable condition for the reasons set forth in the following. Claims 1-28, 48, 83, 159 and 175 have been cancelled. Claims 29-47, 49-82, 84-99, 140-158, and 160-174 are pending in this Application but stand withdrawn as having been non-elected. Upon allowance of elected claims 100-139, and 176, Applicant authorizes the Examiner to cancel withdrawn claims 29-47, 49-82, 84-99, 140-158, and 160-174 in an Examiner's Amendment to place the Application in allowable condition.

The rejection of claims 100-139 under 35 U.S.C. §103(a) as being unpatentably obvious over Durand et al. (US 6,272,467 B1) in view of newly-cited and newly-applied Franco (US-2004/0044585 A) is respectfully traversed on the grounds that newly-cited and newly-applied Franco (US-2004/0044585 A) may not be considered a proper reference against claims 100-139, and 176 for the reasons given in the Declaration Under 37 C.F.R. §1.131.

In view of the Declaration Under 37 C.F.R. §1.131 and the foregoing remarks, Applicant submits that the rejection of record is not well founded and should not be maintained. Applicant therefore requests that the rejection of record be reconsidered and withdrawn, that claims 100-139, and claim 176 be allowed, and that the Application be found to be in allowable condition.

(09/973,251)

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Examiner: Ashley Wells

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Should the Examiner not find the Application to be in allowable condition or believe that further conference would be of value in expediting the prosecution of the Application, Applicant requests that the Examiner telephone undersigned Counsel to discuss the case and afford Applicant an opportunity to submit any further response that might advance prosecution and place the Application in allowable condition.

Respectfully submitted,

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